

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

DAVID POSCHMANN,

Plaintiff,

v.

Case No: 5:20-cv-227-JSM-PRL

UNIFIED ENTERPRISES, LLC,

Defendant.

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ORDER

Before the court is Plaintiff's motion to compel the production of documents, request for a rule 34 inspection of premises, and request for attorney's fees. (Doc. 26). Defendant failed to respond, and the court ordered the defendant to show cause why the plaintiff's motion should not be treated as unopposed. (Doc. 28). Defendant has now responded to the court's order and to the plaintiff's motion to compel. (Docs. 29, 30, 31, 32). Defendant claims that it is attempting to provide all the requested discovery and anticipates providing the documents within the next 10 days. Additionally, Defendant claims to be ready, willing, and able to permit an inspection of the properties as requested by the plaintiff.

Accordingly, Plaintiff's motion to compel is **GRANTED**. Defendant shall produce all requested discovery documents on or before **April 5, 2021**. The parties should confer to schedule the inspection of the defendant's property.

Additionally, Plaintiff is entitled fees under Rule 37(a)(5)(A). Plaintiff's counsel detailed the numerous attempts he made to contact the defendant's counsel to resolve the discovery issues without judicial assistance, including both calls and emails. (Doc. 26). After being unable to reach the defendant's counsel, the plaintiff's counsel filed the instant motion.

Still, the defendant did not respond to the motion until ordered by this court to do so. Therefore, on or before **April 7, 2021**, Plaintiff shall submit an affidavit detailing the reasonable expenses and fees incurred in preparing and filing the motion to compel. To the extent that Defendant objects to the amount of expenses and fees claimed by Plaintiff, Defendant shall file a response within ten days of service of Plaintiff's affidavit.

**DONE and ORDERED** in Ocala, Florida on March 30, 2021.



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PHILIP R. LAMMENS  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties